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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  RYDON CLYDE TETON,

12                  Petitioner,

13                  v.

14                  UNITED STATES DISTRICT COURT,  
15                  et al.,

16                  Respondents.

17                  CASE NO. 2:24-cv-01162-RAJ-DWC  
18                  REPORT AND RECOMMENDATION  
19                  Noting Date: September 10, 2024

20                  The District Court has referred this federal habeas action to United States Magistrate  
21                  Judge David W. Christel. Petitioner Rydon Clyde Teton initiated this action by filing a federal  
22                  habeas petition pursuant to 28 U.S.C. § 2241. Dkt. 4. Although Petitioner invokes § 2241, his  
23                  claims challenge the validity of his federal conviction and sentence, not the execution of that  
24                  sentence. As Petitioner has also raised his claims in separate habeas action filed in the  
                appropriate federal forum, this action should be dismissed.

25                   **I. BACKGROUND**

26                  Petitioner is currently confined within the Federal Detention Center in SeaTac,  
27                  Washington, which is located within the territorial district of this Court. Dkt. 4 at 2. Rather than  
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1 challenging the execution of the sentence being served at that facility, Petitioner raises claims  
 2 challenging the legality of the conviction and sentence entered in *United States v. Rydon Clyde*  
 3 *Teton*, No. 4:18-cv-236-DCN (D. Idaho judgment entered Jan. 22, 2024). Specifically,  
 4 Petitioner's claims concern speedy trial rights, competency to stand trial, and various issues  
 5 related to § 5K1.1 of the United States Sentencing Guidelines. Dkt. 4 at 3–4. These types of  
 6 challenges are generally appropriate under 28 U.S.C. § 2255, not § 2241.

## 7 II. DISCUSSION

### 8 A. 28 U.S.C. § 2255 is Petitioner's exclusive avenue for obtaining the relief he seeks.

9 Under 28 U.S.C. § 2241, a federal prisoner may seek habeas relief on claims challenging  
 10 the execution of their federal sentence, such as the computation of time credits or parole  
 11 decisions. *See Hernandez v. Campbell*, 204 F.3d 861, 864–65 (9th Cir. 2000). However, with  
 12 limited exception, 28 U.S.C. § 2255 offers the exclusive mechanism for a federal prisoner to  
 13 challenge to the validity of their federal conviction and sentence, and such challenges must be  
 14 brought in the federal district where conviction and sentencing occurred. *See id.; Harrison v.*  
 15 *Ollison*, 519 F.3d 952, 955 (9th Cir. 2008) (citing *Lorentsen v. Hood*, 223 F.3d 950, 953 (9th Cir.  
 16 2000)). The “savings clause” of § 2255(e) allows a federal prisoner to seek relief under § 2241  
 17 only if the remedy provided by § 2255 is “inadequate or ineffective,” such as claim involving  
 18 factual innocence that could not otherwise be brought. 28 U.S.C. § 2255(e). The saving-clause  
 19 exception is narrow, and the fact that a petitioner may face procedural hurdles in bringing a  
 20 challenge under § 2255 does not make the remedy inadequate or ineffective. *See Stephens v.*  
 21 *Herrera*, 464 F.3d 895, 897 (9th Cir. 2006).

22 In this case, there is no indication that the remedy available to the Petitioner under 28  
 23 U.S.C. § 2255 is inadequate or ineffective. Petitioner does not claim actual innocence and,  
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1 instead, challenges the way his conviction and sentence were imposed. Dkt. 4 at 4. Also,  
2 Petitioner recently filed a § 2255 petition raising virtually identical claims to those raised here.  
3 *Compare id. with Teton v. United States*, No. 4:24-cv-00376-DCN, Dkt. 1 (D. Idaho filed Aug.  
4 19, 2024). Thus, instant petition is not excepted under the savings clause and must be construed  
5 as one filed under 28 U.S.C. § 2255.

6 **B. This action should be dismissed rather than transferred.**

7 As the instant petition challenges the validity of Petitioner's federal conviction and  
8 sentence, the appropriate forum is the federal district court where his conviction and sentence  
9 were imposed, not the district where Petitioner is currently confined. *Hernandez*, 204 F.3d at  
10 864–65. This Court being the latter, it must either dismiss the petition for want of jurisdiction or  
11 transfer it to the appropriate forum.

12 Pursuant to 28 U.S.C. § 1631, when a civil action is filed in the wrong jurisdiction, a  
13 federal court "shall, if it is in the interest of justice, transfer such action" to any other federal  
14 court in which the action may have been brought in the first instance. *Id.* Transfer under this  
15 provision generally "serves to aid litigants who were confused about the proper forum for  
16 review" and avoids often "time-consuming and justice-defeating" dismissals. *Miller v.*  
17 *Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990) (citations and quotations omitted).

18 Since Petitioner has already properly filed a § 2255 motion before his court of conviction  
19 raising ostensibly the same claims brought here, neither of these factors for transferring this case  
20 are applicable. *Compare* Dkt. 4 with *Teton*, No. 4:24-cv-00376-DCN, at Dkt. 1. As transfer of a  
21 duplicative habeas action would not serve the interest of justice, this action should be dismissed,  
22 not transferred.

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2                   **III. CONCLUSION**

3                   For the reasons set forth above, the undersigned recommends the petition (Dkt. 4) and  
4 this action be dismissed without prejudice for lack of jurisdiction.

5                   Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
6 fourteen (14) days from service of this report to file written objections. *See also* Fed. R. Civ. P.  
7 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo*  
8 review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of those  
9 objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda v.*  
10 *Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time limit  
11 imposed by Fed. R. Civ. P. 72(b), the Clerk is directed to set the matter for consideration  
12 September 10, 2024, as noted in the caption.

13                   Dated this 26th day of August, 2024.

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16                   David W. Christel  
United States Magistrate Judge